

Exhibit A



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
CIVIL RIGHTS BUREAU

June 6, 2023

Peter Scutero
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Via E-Mail.

**Re: In re: New York City Policing During Summer 2020 Demonstrations,
1:20-CV-8924 (CM) (GWG) — Letter Request for Administrative Guide**

Dear Mr. Scutero:

I write regarding the Administrative Guide to, as directed by the Court during the May 23, 2023 conference, specify the provisions for which Defendants shall provide the versions that existed at the time of the Protests, *i.e.* the period from May 28, 2020, to February 12, 2021. I also write on behalf of the non-stayed Plaintiffs in the consolidated cases to request that Defendants clarify the following points regarding the recently produced Administrative Guide (“Admin Guide”) marked as DEF_ADMIN_GUIDE_0000001 - DEF_ADMIN_GUIDE_0000914.

1) During the May 23, 2023, conference, Ms. Fitzpatrick indicated that Defendants could provide a table of contents that contains sections and subsections of the Administrative Guide as it existed for the period of May 28, 2020, to February 12, 2021. Please provide a copy of this expanded table of contents.

2) During our May 23, 2023, conference, and in previous communications you indicated that the published list recording amendments to the Department Manual, entitled the Department Manual Timeline (“Manual Timeline”),¹ is not a complete list of revisions to

¹ https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/Update1.pdf.

the Patrol and Administrative Guides. Please provide a complete list of revisions to the Administrative Guide for the period of for the period of May 28, 2020, to February 12, 2021.

3) In the Administrative Guide, numerous procedures include a “DATE EFFECTIVE” and have nothing listed for “LAST REVISION.” Please confirm that for each procedure that has a blank “LAST REVISION” that there have been no changes made to that procedure since the date it became effective.

- a. For example, on page 147 of the Administrative Guide under Procedure No.: 310-05, there is no “last revision” identified. Please confirm whether this signifies that the policy went into effect on 5/15/2014 and has remained in place, without revisions, until today:



ADMINISTRATIVE GUIDE

Section: Arrests		Procedure No: 310-05
REVIEW OF ARREST FOLDER		
DATE EFFECTIVE: 05/15/14	LAST REVISION:	PAGE: 1 of 1

- b. Please confirm that the signification of no identified “last revision” also applies to the following procedure numbers: 303-19, 303-20, 304-19, 308-05, 309-02, 309-03, 309-06, 309-08, 310-03, 315-01, 315-02, 316-01, 316-03, 316-05, 316-07, 316-10, 316-13, 316-16, 316-18, 316-21, 316-22, 316-24, 316-25, 316-29, 316-32, 316-33, 316-40, 316-41, 316-42, 316-43, 316-45, 316-46, 316-47, 322-01, 322-02, 322-03, 322-04, 322-05, 322-07, 322-09, 322-10, 322-11, 322-12, 322-13, 322-14, 322-15, 322-18, 322-20, 322-21, 322-25, 322-27, 322-28, 322-29, 322-31, 322-32, 322-34, 322-35, 322-36, 322-38, 322-39, 322-40, 322-41, 322-42, 322-43, 322-45, 322-46, 322-47, 322-48, 328-01, 328-02, 328-03?

4) The Manual Timeline indicates that Procedure 328-28 was updated on January 17, 2023. In the Administrative Guide that Defendants produced only Procedure Numbers 328-01, 328-02, and 328-03 were produced. Did any Procedures, beyond 328-01, -02, and -03 from page 681-686 in the Administrative Guide, exist in the “Training” section with the prefix 328- at any time between May 28, 2020, and February 12, 2021?

Updated: Tuesday, January 17, 2023

Procedure(s):

212-123 217-06 221-05 318-03 218-21 319-07 **328-28**

- a. If yes, please produce any additional procedures that were not produced.
- 5) Similarly, please produce any Procedures that existed in the Administrative Guide at any time between May 28, 2020, and February 12, 2021, but were deleted entirely from the

Department Manual prior to June 2023 and thus are not in the current Administrative Guide produced to Plaintiffs.

- 6) The Manual Timeline also lists Procedure Numbers 304-26, 304-27, and 304-28 as being revised on June 10, 2021, please produce these Procedures.

Updated: Thursday, June 10, 2021

Procedure(s):

202-29	204-09	205-40	205-63	205-68	205-69	205-71	205-72
205-73	206-03	206-10	206-13	208-02	208-03	208-05	210-01
210-08	211-14	212-11	212-77	212-129	215-18	219-14	219-29
219-30	219-32	221-16	221-23	304-01	304-02	304-03	304-04
305-05	304-06	304-07	304-08	304-09	304-10	304-11	304-12
304-13	304-14	304-15	304-16	304-17	304-18	304-20	304-21
304-22	304-23	304-24	304-25	304-26	304-27	304-28	

- 7) Below are Procedures that we have identified as possibly most relevant and that appear to have been revised since the Protests. Please produce the following Procedures as they existed during the period of May 28, 2020, to February 12, 2021:

Section	Procedure No:	Title	Date Effective	Last Revision	Admin Pg. No:
Duties and Responsibilities	303-01	BOROUGH COMMANDER	5/27/2021	I.O. 27	1
Duties and Responsibilities	303-02	BOROUGH EXECUTIVE OFFICER, OPERATIONS	5/27/2021	I.O. 27	2
Duties and Responsibilities	303-03	BOROUGH EXECUTIVE OFFICER, ADMINISTRATION	5/27/2021	I.O. 27	3
Duties and Responsibilities	303-04	BOROUGH ADJUTANT	5/27/2021	I.O. 27	4
Duties and Responsibilities	303-05	BOROUGH OPERATIONS COMMANDER	5/27/2021	I.O. 27	5
Duties and Responsibilities	303-11	COMMANDING OFFICER, INVESTIGATIONS UNITS	9/6/2022	I.O. 93	11

General Regulations	304-01	ORDER OF RANK	6/10/2021	I.O. 47	28
General Regulations	304-03	COMPLIANCE WITH ORDERS	6/10/2021	I.O. 47	30
General Regulations	304-04	FITNESS FOR DUTY	4/21/2022	I.O. 45	32
General Regulations	304-05	PERFORMANCE ON DUTY	11/4/2021	I.O. 96	34
General Regulations	304-06	PROHIBITED CONDUCT	4/4/2022	I.O. 37	36
General Regulations	304-10	FALSE OR MISLEADING STATEMENTS	8/26/2021	I.O. 78	47
General Regulations	304-11	COMPLIANCE WITH NEW YORK CITY RIGHT TO KNOW ACT	6/10/2021	I.O. 45	49
General Regulations	304-17	DEPARTMENT POLICY PROHIBITING RACIAL PROFILING AND BIAS-BASED POLICING	3/2/2022	I.O. 25	62
General Regulations	304-18	DEPARTMENT EMAIL POLICY	11/16/2022	I.O. 111	65
General Regulations	304-21	WHEN A MEMBER OF THE SERVICE ENCOUNTERS AN INDIVIDUAL OBSERVING, PHOTOGRAPHING, AND/OR RECORDING POLICE ACTIVITY	6/10/2021	I.O. 47	74
Uniforms and Equipment	305-08	REQUIRED EQUIPMENT	9/10/2021	I.O. 81	106
Uniforms and Equipment	305-12	SHIELDS/NAMEPLATES/IDENTIFICATION CARDS	1/23/2023	I.O. 58	114
Evidence	315-01	EVIDENCE DISCREPANCY - CONTROLLED SUBSTANCES / NARCOTICS	9/6/2022	I.O. 93	165

Evidence	315-02	EVIDENCE DISCREPANCY - CONTROLLED SUBSTANCES / NARCOTICS (OUTSIDE LAW ENFORCEMENT AGENCY INVOLVED)	9/6/2022	I.O. 93	167
Command Operations - Misc.	316-01	CRIME AND VANDALISM IN AND AROUND SCHOOLS	7/1/2020	N/A	169
Command Operations - Misc.	316-29	CRIME ANALYSIS AND CRIME STRATEGY DEPLOYMENT	5/27/2021	I.O. 37	200
Command Operations - Misc.	316-33	UNUSUAL DISORDER PLAN ARREST PROCESSING	4/21/2022	I.O. 44	206
Command Operations - Misc.	316-37	ACCEPTANCE OF RULE MAKING PETITIONS	5/15/2014	N/A	213
Command Operations - Misc.	316-40	PUBLIC ADDRESS AND FIELD COMMUNICATIONS EQUIPMENT	1/13/2021	I.O. 7	214
Command Operations - Misc.	316-47	USE OF LONG RANGE ACOUSTIC DEVICES	2/9/2022	I.O. 102	228
Disciplinary Matters	318-01	COMMAND DISCIPLINES AND AUTHORIZED PENALTIES	2/16/2022	I.O. 14	230
Disciplinary Matters	318-02	ISSUANCE OF SCHEDULE A AND SCHEDULE B COMMAND DISCIPLINES	2/16/2022	I.O. 15	232
Disciplinary Matters	318-03	PREPARATION OF CHARGES AND SPECIFICATIONS OR SCHEDULE C COMMAND DISCIPLINE	1/17/2023	R.O. 2	236

Disciplinary Matters	318-04	SERVICE AND DISPOSITION OF CHARGES AND SPECIFICATIONS	2/16/2022	I.O. 13	240
Disciplinary Matters	318-05	CAUSE FOR SUSPENSION OR MODIFIED ASSIGNMENT	2/16/2022	I.O. 13	242
Disciplinary Matters	318-06	SUSPENSION FROM DUTY UNIFORMED MEMBER OF THE SERVICE	12/14/2022	I.O. 121	245
Disciplinary Matters	318-07	SUSPENSION FROM DUTY - CIVILIAN MEMBER OF THE SERVICE	3/7/2023	R.O. 11	248
Disciplinary Matters	318-08	MODIFIED ASSIGNMENT	3/7/2023	R.O. 11	250
Disciplinary Matters	318-09	MEMBER OF THE SERVICE ARRESTED (UNIFORMED OR CIVILIAN)	9/6/2022	I.O. 93	253
Disciplinary Matters	318-10	REMOVAL OF FIREARMS FROM INTOXICATED UNIFORMED MEMBER OF THE SERVICE	9/6/2022	I.O. 93	256
Disciplinary Matters	318-11	INTERROGATION OF MEMBERS OF THE SERVICE	2/16/2022	I.O. 18	258
Disciplinary Matters	318-12	SEALING DISCIPLINARY RECORDS	2/16/2022	I.O. 18	261
Disciplinary Matters	318-13	REMOVAL AND RESTORATION OF FIREARMS	3/7/2023	R.O. 11	262
Disciplinary Matters	318-14	CITYWIDE COMMAND DISCIPLINE SYSTEM	2/16/2022	I.O. 13	264

Disciplinary Matters	318-15	ORDERS OF PROTECTION SERVED ON MEMBERS OF THE SERVICE	9/6/2022	I.O. 93	265
Disciplinary Matters	318-16	ORDERS OF PROTECTION PROHIBITING OFF-DUTY FIREARMS POSSESSION BY UNIFORMED MEMBERS OF THE SERVICE	3/7/2023	R.O. 11	268
Disciplinary Matters	318-17	INVESTIGATION OF CIVILIAN COMPLAINTS	2/16/2022	I.O. 13	272
Disciplinary Matters	318-18	DISPOSITION OF DISCIPLINARY CHARGES	2/16/2022	I.O. 18	275
Disciplinary Matters	318-19	REVIEW OF DISCIPLINARY ACTION PROPOSED UNDER COMMAND DISCIPLINE	2/16/2022	I.O. 18	276
Disciplinary Matters	318-20	RETURN OF PROPERTY TO MEMBER RELIEVED FROM SUSPENSION OR MODIFIED ASSIGNMENT	2/16/2022	I.O. 13	278
Disciplinary Matters	318-21	DISMISSAL PROBATION GUIDELINES	1/17/2023	R.O. 2	279
Disciplinary Matters	318-23	SUSPENSION/MODIFIED ASSIGNMENT MONITORING PROGRAM	2/16/2022	I.O. 18	284
Disciplinary Matters	318-27	DISCIPLINARY PROCESS RECUSAL GUIDELINES	2/16/2022	I.O. 18	296
Disciplinary Matters	318-28	INTEGRITY MONITORING FILE	12/2/2022	I.O. 116	297
Records and Reports	322-04	FINEST COMMUNICATION SYSTEM	8/13/2019	N/A	447
Records and Reports	322-11	OFFICIAL COMMUNICATIONS - PREPARATION	6/1/2022	I.O. 67	457

Records and Reports	322-27	DEPARTMENT FORMS, LOGS AND REPORTS	6/3/2022	I.O. 69	474
Records and Reports	322-29	DEPARTMENT DIRECTIVES/TYPES OF DIRECTIVES	1/2/2023	R.O. 1	478
Records and Reports	322-36	REQUESTING/RECOMMENDING PUBLICATION OF DEPARTMENT DIRECTIVES	1/2/2023	R.O. 1	488
Records and Reports	322-42	REQUESTING/RECOMMENDING PUBLICATION OF DEPARTMENT BULLETINS	12/2/2022	I.O. 116	498
Records and Reports	322-47	RETENTION AND DESTRUCTION OF DEPARTMENT RECORDS	6/3/2022	I.O. 69	509
Records and Reports	322-48	REQUEST FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) RELATED SERVICES	6/6/2022	I.O. 70	511
Training	328-01	IN-SERVICE TRAINING PROGRAM	5/27/2021	I.O. 27	681
Evaluations	331-01	EVALUATIONS - GENERAL - MEMBERS OF THE SERVICE	12/2/2022	I.O. 116	813
Evaluations	331-02	EVALUATION OF PROBATIONARY OFFICERS	11/18/2021	I.O. 99	818
Evaluations	331-03	EVALUATION OF POLICE OFFICERS AND DETECTIVES ASSIGNED TO INVESTIGATIVE DUTIES	11/18/2021	I.O. 110	820

Evaluations	331-04	EVALUATIONS OF POLICE OFFICERS AND DETECTIVES ASSIGNED TO NON-INVESTIGATIVE DUTIES	11/18/2021	I.O. 99	821
Evaluations	331-05	EVALUATIONS OF SERGEANTS/LIEUTENAN TS	11/18/2021	I.O. 99	825
Evaluations	331-06	EVALUATION OF CAPTAIN THROUGH DEPUTY CHIEF	11/18/2021	I.O. 99	827
Evaluations	331-07	EVALUATION OF ASSISTANT CHIEFS AND ABOVE/ CIVILIAN MANAGERS	11/18/2021	I.O. 110	829
Evaluations	331-08	EVALUATION OF SUB- MANAGERIAL CIVILIAN PERSONNEL	11/18/2021	I.O. 99	830
Evaluations	331-09	POLICE OFFICER/DETECTIVE SPECIALIST MONTHLY/ QUARTERLY PERFORMANCE REVIEW AND RATING SYSTEM	11/18/2021	I.O. 110	832
Evaluations	331-10	APPEAL OF EVALUATION - UNIFORMED MEMBER OF THE SERVICE	11/18/2021	I.O. 99	837
Employee Rights/Respon sibilities	332-02	SEXUAL, ETHNIC, RACIAL, RELIGIOUS, OR OTHER DISCRIMINATORY SLURS THROUGH DISPLAY OF OFFENSIVE MATERIAL	11/16/2022	I.O. 111	851

Please produce all the versions of the Procedures requested above and the answers requested by **June 16, 2023**. If you object to that deadline, within one business day of receipt of this letter, please provide dates and times at which you can meet and confer on the issue.

Sincerely,

By: /s/ Lillian M. Marquez
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